FOR MYSORE STATE

DEVELOPMENT (195 2.) Department.

MS. SERIES.

G.O. No. 5120.

Dated 27--11--1952.

[Despatch Abstract.]

OPIUM - ILLICIT IMPORT IN AND EXPORT OUT OF INDIA - PROSECUTION UNDER THE D.D.ACT, 1930 - INSTRUCTIONS - ISSUED.

GOVERNMENT OF MADRAS

ABSTRACT:

OPIUM - Illicit import into and expert out of India - Prosecution under the Dangerous Drugs Act, 1930 - Instructions issued.

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DEVELOPMENT DEPARTMENT.

G. O. MS. No.5120. Dated 27th November, 1952.

Read the following:-

From the Collectors of Customs, Letter R.No.1432/52-S.D.1, dated 16--7--1952.

From the Board of Revenue (Ex) C.R.No.32355.Abk/52 XA2, dated 11--10--1952.

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O R D E R:

It has been suggested that whenever there is adequate dvidence to prove that any illegal import into, or expert out of, India of opium has taken place, the case should be charged under the Dangerous Drugs Act, 1930, before an appropriate Magistrate exercising higher powers of punishment and the prosecuting officer should impress upon the Magistracy the need for awarding a deterrent sentence.

The attention of the Inspector-General of Police in this connection is invited to the instructions issued by the Board of Revenue (Ex) in its proceedings D.No.3629/52, dated 11-10-52 (Copy sent to him direct) and he is requested to issue a similar circular to the Police staff in this matter.

(BY ORDER OF THE GOVERNOR OF MADRAS)

S. ARULDOSS,

Deputy Secretary to Government.

To

The Inspector-General of Police.

The Board of Revenue (EX)

Copy to the Collector of Customs, Madras.

(TRUE COPY)

N.S.SATYANARAYANAN,

28-11--

SUPERINTENDENT.

NOTE FILE.

DEVELOPMENT (S) DEPARTMENT.

Sub: OPIUM - Offences under the Opium Act. - Punishable Under the D.D.Act. - Proposals.

Ref: From the Collectors of Customs, Letter No. 1432/52S.D.I,dated 16th July, 1952.

Please see the letter from the Collector of Customs on p.1 c.f.

The punishment, under section 9 of the Opium Act, 1878 for illegal import of opium is imprisonment for one year and fine upto Rs.1,000/-.

This Government have enhanced this punishment to two years imprisonment and fine upto Rs.2,000/- in the Opium (Madras Amendment) Act, 1951.

The punishment under section 13 of the Dangerous Drugs Act is imprisonment upto 2 years and fine for which there is no maximum fixed.

In the case of convictions under D.D.Act, Sections 20 and 21 of that act can be brought in to cover attempts as well as abetments at commission of the offenses. In the circumstances, the suggestion of the Narcotics Commissioner and the Collector of Customs to punish illegal import or expert of opium under section 13 read with sections 20 or 21 of the D.D.Act instead of under Opium Act seem acceptable.

Before finally accepting the Board may be consulted. The draft endorsement on p.2 c.f. is for approval.

(Sd.) S. ARULDOSS.
13-8-52.
Deputy Secretary.

ISSUED AS ENDT: NO. 87128 SI/52-1, dated 7-8-52.
From the Board of Rev.(Ex) C.R.No.32355 Abk/52-XA3, dated 11-10-1952.

Please see the Board's report on pp.5 to 6 c.f. and its enclosures on pp17-12 c.f.

P.T.O.

The Board has stated that if there is sufficient evidence to prove that the effence is one under the Dangerous Drugs Act there is absolutely no reason why the case should not be prosecuted under that Act. The Board has already issued necessary instructions in this regard even as early as 1940.- Vide para 5 on p.11 c.f. It has now issued fresh instructions in the matter directing that the cases in this respect wherever possible be charged under the Dangerous Drugs Act before appropriate Magistrates exercising higher powers of punishment. Instructions have also been issued that the prosecuting officers should impress upon the Magistracy the need for awarding deterrent punishments in these cases.

The Board has requested that the I.G. of Police may be instructed to issue a circular in this respect. For orders whether this may be done. Subject to orders a draft order is submitted below. Home and Legal may see before issue.

(Sd.) S. ARULDOSS,
31-10-52.
Home/Legal.

Home Department.

The note of Dev. at pp.1-2 above and the draft order below may be perused and the fille passed on to Legal.

(Sd.) xxxxx,
Joint Secy.

Seen in Legal

(Sd.)xxxxx,
20-11-

DEVT.(S.I).

NOtes from p.1 above may be perused. The draft order below which has been accepted by Home and Legal may issue.

(Sd.) S. ARULDOSS,
26-11-52.
Deputy Secy.

(TRUE COPY)

N.S.SATYANARAYANAN,
28-11-53.